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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller *et al.*

Group Art Unit: 1617

Application No.: 09/891,715

Examiner: Russell S. Travers

Filed: June 26, 2001

Attorney Docket No.: 10177-142-999
(Formerly No. 5756-0013.30)

For: METHOD AND APPARATUS FOR
TREATING ISCHEMIC TISSUE

Date: November 27, 2002

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office action mailed October 2, 2002, in which the Examiner imposed a restriction requirement, please consider the following remarks.

The Examiner required restriction under 35 U.S.C. § 121 to one of the following groups:

Group I. Claims 1-18, drawn to a device for treating ischemic tissue; and
Group II. Claims 19-21, drawn to methods for treating tissue.

Accordingly, Applicant elects to prosecute Group I, claims 1-18, in this application. Applicants fully reserve their right to prosecute the subject matter of the non-elected claims in a subsequent application.

No fee is believed due for this submission other than the fee indicated in the attached *Petition For Extension Of Time Under 37 CFR § 1.136(a)*. Should any additional fees be required, please charge such fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Gidon D. Stern
By. D. J. B.

27,469

Date November 27, 2002

GIDON D. STERN

(Reg. No.)

By: D. James Barnes, Reg. No. 48,869

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